

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** Chairman Dennis Himmelberger, on March 4, 2009 at 9:01 A.M., in Room 455 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Dennis Himmelberger, Chairman (R)  
Rep. Jesse O'Hara, Vice Chairman (R)  
Rep. Russell Bean (R)  
Rep. Joel Boniek (R)  
Rep. Dee Brown (R)  
Rep. Gordon R. Hendrick (R)  
Rep. Pat Ingraham (R)  
Rep. Gary MacLaren (R)  
Rep. Sue Malek (D)  
Rep. Mike Phillips (D)  
Rep. Ted Washburn (R)  
Rep. Franke Wilmer (D)

**Members Excused:** None

**Members Absent:** Rep. Sue Dickenson, Vice Chairman (D)  
Rep. Tony Belcourt (D)  
Rep. Frosty Boss Ribs (D)  
Rep. Mary Caferro (D)  
Rep. Betsy Hands (D)  
Rep. Kendall Van Dyk (D)

**Staff Present:** Sheri Heffelfinger, Legislative Branch  
Marshall McEwen, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 187, SB 240, SB 243, 2/25/2009

Executive Action: SB 90, SB 123

**HEARING ON SB 240**

**Opening Statement by Sponsor:**

00:01:16 Sen. John Brenden (R), SD 18, opened the hearing on  
SB 240, Residency requirements for public boards and  
commissions; clarify "residence".  
00:02:21 Rep. Dickenson entered the room.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:04:17 Rep. Brown  
00:04:41 Sen. Brenden  
00:05:32 Chairman Himmelberger

**Closing by Sponsor:**

00:05:37 Sen. Brenden  
00:05:42 Chairman Himmelberger

**HEARING ON SB 243**

**Opening Statement by Sponsor:**

00:06:22 Sen. Joe Balyeat (R), SD 34, opened the hearing on  
SB 243, Constitutional amendment to require majority  
vote in general elections.

**EXHIBIT**(sth48a01)

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:15:20 Linda McCulloch, Montana Secretary of State  
**EXHIBIT**(sth48a02)

00:19:11 Terri Minow, MEA-MFT

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:20:36 Rep. Phillips  
00:21:31 Sen. Balyeat  
00:22:44 Rep. Phillips  
00:23:15 Sen. Balyeat  
00:23:52 Rep. Phillips  
00:24:08 Sen. Balyeat  
00:24:26 Rep. Phillips  
00:24:55 Sen. Balyeat  
00:26:00 Rep. Boniek  
00:26:27 Sen. Balyeat  
00:27:04 Rep. Wilmer  
00:27:52 Sen. Balyeat  
00:30:18 Rep. Wilmer  
00:30:51 Chairman Himmelberger  
00:31:07 Rep. Malek  
00:31:32 Sen. Balyeat  
00:32:29 Rep. Malek  
00:32:55 Sen. Balyeat  
00:35:14 Chairman Himmelberger

**Closing by Sponsor:**

00:35:18 Sen. Balyeat  
00:37:51 Chairman Himmelberger

**HEARING ON SB 187**

**Opening Statement by Sponsor:**

00:38:06 Sen. Joe Balyeat (R), SD 34, opened the hearing on  
SB 187, Limit districting to 1% deviation.

**[EXHIBIT\(sth48a03\)](#)**

**Proponents' Testimony:**

00:53:06 Chuck Denowh, Self

**Opponents' Testimony:**

00:57:02 Scott Crichton, Executive Director, American Civil  
Liberties Union

**[EXHIBIT\(sth48a04\)](#)**

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:07:00 Chairman Himmelberger  
01:07:34 Rep. Boniek  
01:08:02 Sen. Balyeat  
01:08:09 Rep. Malek  
01:08:22 Sen. Balyeat  
01:08:27 Rep. Boss Ribs entered the room.  
01:08:50 Chairman Himmelberger  
01:09:01 Rep. Malek  
01:09:28 Sen. Balyeat  
01:12:40 Rep. Malek  
01:13:11 Chairman Himmelberger  
01:13:16 Rep. Phillips  
01:13:33 Sen. Balyeat  
01:13:38 Rep. Phillips  
01:14:01 Sen. Balyeat  
01:14:04 Rep. Phillips  
01:14:23 Sen. Balyeat  
01:14:36 Rep. Phillips  
01:15:15 Sen. Balyeat  
01:16:15 Rep. Phillips  
01:16:53 Sen. Balyeat  
01:17:44 Rep. Phillips  
01:17:54 Sen. Balyeat  
01:18:29 Rep. Brown  
01:18:50 Sen. Balyeat  
01:19:05 Rep. Wilmer  
01:19:40 Sen. Balyeat  
01:22:32 Rep. Wilmer  
01:23:11 Sen. Balyeat  
01:24:56 Rep. Phillips  
01:25:53 Sen. Balyeat  
01:26:43 Rep. Dickenson  
01:27:17 Mr. Crichton  
01:27:24 Rep. Dickenson  
01:28:15 Sen. Balyeat  
01:28:25 Rep. MacLaren exited the room.  
01:29:34 Rep. Dickenson  
01:29:46 Chairman Himmelberger

**Closing by Sponsor:**

01:29:49 Sen. Balyeat  
01:30:23 Chairman Himmelberger  
01:30:43 Sen. Balyeat  
01:31:27 Rep. Malek exited the room.  
01:32:36 Rep. Dickenson exited the room.  
01:33:09 Chairman Himmelberger

01:33:33 Committee takes a break.  
 01:48:53 Committee reconvenes. Rep. Belcourt, Rep. Caferro, Rep. Dickenson, Rep. Hands, Rep. Malek, and Rep. Van Dyk were not present after the break.

**EXECUTIVE ACTION ON SB 90**

01:49:08 **Motion:** Rep. MacLaren moved that **SB 90 BE CONCURRED IN.**

**Discussion:**

01:49:17 Chairman Himmelberger  
 01:49:32 Rep. Wilmer  
 01:49:56 Rep. Brown  
 01:50:45 Rep. Wilmer  
 01:51:02 Rep. Brown  
 01:51:05 Rep. Hands entered the room.  
 01:51:11 Chairman Himmelberger  
 01:51:16 Ms. Heffelfinger, Legislative Services Division  
 01:51:28 Rep. Malek entered the room.  
 01:51:42 Rep. Brown  
 01:51:59 Rep. MacLaren  
 01:52:29 Rep. Brown  
 01:53:06 Ms. Heffelfinger  
 01:54:36 Rep. Brown  
 01:54:48 Ms. Heffelfinger  
 01:56:19 Chairman Himmelberger  
 01:57:36 Ms. Heffelfinger  
 01:58:19 Rep. Boss Ribs  
 01:58:32 Chairman Himmelberger  
 01:58:38 Ms. Heffelfinger  
 01:59:12 Rep. Hands  
 02:00:03 Chairman Himmelberger  
 02:00:19 Rep. Wilmer  
 02:01:20 Rep. Brown  
 02:01:42 Chairman Himmelberger  
  
 02:01:46 **Vote:** Motion carried unanimously by voice vote. Rep. Belcourt, Rep. Caferro, Rep. Dickenson, and Rep. Van Dyk voted by proxy. Rep. Ingraham will carry the bill in the House.  
  
 02:02:14 Chairman Himmelberger  
 02:02:24 Ms. Heffelfinger  
 02:03:04 Chairman Himmelberger

**EXECUTIVE ACTION ON SB 123**

02:03:47 **Motion:** Rep. Brown moved that **SB 123 BE CONCURRED IN.**

**Discussion:**

02:03:51 Chairman Himmelberger  
02:04:00 Rep. Ingraham  
02:06:08 Rep. Bean  
02:06:33 Rep. Wilmer

02:07:00 Rep. Brown withdrew her motion.

**Committee Business:**

02:07:08 Chairman Himmelberger  
02:07:44 Rep. Wilmer  
02:08:04 Chairman Himmelberger  
02:08:22 Ms. Heffelfinger  
02:09:00 Chairman Himmelberger  
02:11:56 Rep. Ingraham  
02:12:00 Rep. Dickenson entered the room.  
02:12:35 Rep. Brown  
02:13:47 Rep. Boniek  
02:14:04 Chairman Himmelberger  
02:15:00 Rep. Boniek  
02:15:02 Chairman Himmelberger  
02:15:20 Rep. Washburn  
02:15:36 Rep. Wilmer  
02:16:03 Rep. Phillips  
02:16:14 Chairman Himmelberger

02:16:23 **Motion/Vote:** Rep. Boniek moved to draft a study resolution to examine bonus payments in state government. Motion carried unanimously by voice vote. Rep. Belcourt, Rep. Caferro, and Rep. Van Dyk were not present to vote and there were no proxy votes.

02:17:08 Chairman Himmelberger  
02:17:53 Rep. Wilmer  
02:18:48 Chairman Himmelberger  
02:19:12 Rep. Hands  
02:19:31 Rep. Ingraham  
02:20:05 Rep. Boniek  
02:20:26 Rep. Phillips  
02:20:45 Ms. Heffelfinger  
02:21:45 Rep. Brown  
02:21:55 Rep. Hands  
02:22:33 Rep. Hendrick  
02:23:18 Rep. Washburn  
02:24:13 Rep. Malek  
02:25:30 Rep. Boniek  
02:25:50 Rep. Brown  
02:26:12 Chairman Himmelberger

**ADJOURNMENT**

02:26:53 Adjournment: 11:28 A.M.

---

Marshall McEwen, Secretary

mm

**Additional Exhibits:**

**EXHIBIT (sth48a05)** Information pertaining to SB 90

Additional Documents:

**EXHIBIT (sth48aad.pdf)**